

**Federal Hearings  
Scheduled for December 10<sup>th</sup> & 11<sup>th</sup>, 1999  
Subject: Native Hawaiian Housing & Economic Development**

November 21, 1999  
Written Testimony of  
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Mr. Mark Van Norman,  
Department of Justice  
Mr. John Berry,  
Department of Interior

Aloha Kakou,

My name is Robin J Puanani Danner. I am Native Hawaiian, currently residing on Hawaiian Homelands on the island of Kauai. I was raised on the Navajo and Hopi Indian reservations, and lived 25 years among the Inupiat Eskimos of the North Slope in Alaska.

I was a Vice President for the National Bank of Alaska for 11 years, spent 3 years as the Executive Director of the Indian Housing Authority and as Housing Director for the North Slope Borough local government. I have lived my entire life in Native American communities, and understand well, the government to government relationships of American Indians/Alaska Natives and the federal government. I have recently returned home to Hawaii, in the hope of serving my own Native people. I am currently employed as the Hawaii-based Rural Development Specialist, for a 12 state non-profit, Rural Community Assistance Corporation. I work specifically in the areas of housing and economic development.

Mr. Van Norman and Mr. Berry, given your positions at Justice and Interior, as well as the brief filed by the Justice Department in the Rice v. Cayetano case, I am confident that you both are well aware of the history of the Hawaiian people. For these reasons I will not recap the past and speak to you about the present and the future years ahead.

There is much to say and finally a forum! One is tempted to blaze across the keyboard and attempt to get every muffled word, every frustrated thought out, into this seemingly one opportunity to speak directly to the federal government. So much of the challenge for Hawaiians is entwined, one issue wrapped around another. The temptation to write on every subject, every element, is great. I will resist, however, and limit my comments at this time to areas that I have spent the majority of my career, Native housing and economic development. After all, the solutions to all Hawaiian issues, including these, are the same—self-governance, self-determination or sovereignty—Hawaiian control of solutions for Hawaiians.

**The Federal Land Act**

For the last 70 plus years, trust lands set aside by the Congress under the Hawaiian Homes Commission Act of 1921 (HHCA) has been managed since 1959, by the state government here in Hawaii through the Department of Hawaiian Home Lands. The

HHCA was a creation of the Congress to "rehabilitate" Hawaiians of 50% blood quantum through residential and agricultural land awards. It is not surprising that the passage of HHCA came in the early 1900's when other land allotment legislation geared toward farming and assimilation was being passed for the American Indians and Alaska Natives. I'm sure that you are both conscientious students of the different eras of federal policy and the work that is now required to reverse some of their effects. For example, the proposed "land buy back" program currently being sponsored by the BIA to correct the policies that created the checkerboard Indian reservations and hairsplitting property interests by sometimes hundreds of individuals.

The HHCA is no different. It has not been the instrument of "rehabilitation" on a large scale for the Hawaiian people. The reasons and the solutions are similar to those you are working on in Indian Country. There have been several major reports commissioned on the status of the HHCA lands, how they have been managed or mismanaged over the past several decades. I don't believe that with your experience in trust land matters, you would be surprised by any of the content. For me, the need is clear, localize the control of these lands within a Native government structure and implement direct federal oversight.

#### **State Control**

The Department of Hawaiian Home Lands is a state agency, the leadership of which is appointed by the Governor of Hawaii, and also removed just as easily. Every employee is a state government employee; every internal policy is established within state government rules. Even administrative changes to the HHCA, requires state legislative approval prior to submission to the Congress. The state government does not influence the administration of the HHCA trust lands; it controls it from top to bottom. To worsen the situation, the federal government has been remiss in appropriating sufficient funding to DHHL to more adequately implement the HHCA. The employees of DHHL, its Commissioners and its Chairman are working hard to implement the objectives of the Act with their hands tied behind their backs. That considered the history of the last 70 years and the content of the commissioned reports comes as no surprise. Likewise, the progress made, particularly in recent years, is truly remarkable and a testament to what could be possible on a larger scale, should the federal government provide adequate funding to DHHL and cut the ropes that bind them.

Issues involving land use, blood quantum, financing programs and housing program delivery are all decisions best made by a Native government that is concentrated on the needs of its members, Hawaiians. Unlike the state government, where the needs of an entire state population dilutes and even undermines the priorities of the indigenous people within it. Many of the barriers for Hawaiians in achieving adequate housing are exactly the same as the American Indians and Alaska Natives on the continent. But one additional barrier to contend with, a significant one, is the control of state government and the conflicting priorities that goes along with that control.

### **Self-Determination and Housing**

Others will provide you with the horrendous statistics of the DHHL waiting list, the incredible need for affordable housing, infrastructure development and agricultural resources for Hawaiians identified under the HHCA. You will also hear testimony on the inadequacy of funding to DHHL to implement its mission. All truthful and representative of the barriers that must come down. To complete the entire picture and condition of Native housing for Hawaiians, you must also remember those not identified under the HHCA. These Hawaiians face the same challenges and must be accounted for in any discussion of need and in the discussion of solutions for Hawaiians.

From your positions within the federal government and experience with the tribes of the lower 48 and Alaska, I know you will find a commonality, a familiar thread that runs through Indian Country and the Hawaiian Island chain. Housing is one of the top priorities, if not the single largest challenge facing indigenous cultures in the United States. Justice, health, welfare and educational concerns can all be tied back to inadequate housing.

Our common statistics are but symptoms of a root problem—state or federal government control of resources for solutions to Native needs. In Indian Country, it was the reason that many of the Executive Directors of Indian Housing Authorities, myself included, sought the passage of the Native American Housing and Self-Determination Act of 1996 (NAHASDA). We had three basic goals; first, to bring administration of housing issues under the direct control of Native governments; second, to create and establish localized programming within a block of funding; and third, to enable private capital to flow into Native communities.

Why was it important to bring housing issues under the control of the tribal governments? The federal government spent 200 years pursuing failed policies like termination, assimilation, paternalistic programming and delivery of services. Each of which carried the mantra, "the federal government knows best." Self-Determination heralded a new era, one that proclaimed, "Tribes know best," except in the area of housing. Until NAHASDA passed some 28 years after the adoption of self-determination as a federal policy, housing programs still carried the assimilation era mantra. Simply put, NAHASDA gave greater control to Native governments to implement housing solutions by Natives, for Natives.

Senate Bill 225, which is an amendment to NAHASDA, will provide the block funding and increased flexibility for private capital that we sought for Indian Country to the Hawaiian people who qualify under the HHCA. This bill is a critical piece in addressing the dire housing needs of these Hawaiians, but also for DHHL in being able to implement the HHCA. We need SB225 to pass, for both reasons.

But further than that, we need the reconciliation process to produce a federal policy that will recognize a Native Hawaiian government, under which housing issues can be controlled and delivered, free from the influence of state government. The missing piece, is the mechanism for Hawaiians to govern themselves. To empower the people of DHHL

to pursue housing solutions within an arena that places their hands firmly on an agenda set by Hawaiians unhindered by state government. Mr. Van Norman and Mr. Berry, your efforts in the reconciliation process can bring to the Hawaiian people, the first goal that NAHASDA sought for American Indians and Alaska Natives -- Self-Determination, and the power that the government to government relationship can provide to the housing challenges facing our people. In short, the NAHASDA amendment represented in SB225 is one giant step for Hawaiian housing, the second step is equally important. Release the bonds of state government by having the federal government recognize and implement a government to government relationship with the Hawaiian people.

#### **A Native Hawaiian Housing & Economic Development Authority**

I will reiterate my initial comment. The need is clear, localize the control of Native Housing issues within a Native government structure and implement direct federal oversight. These goals may be on the horizon, however there are interim actions that can be pursued to maximize the delivery of housing services until a Native Hawaiian government is recognized. Given my past experience working with trust lands, tribal governments and the unique methods needed to deliver services in Native communities, the administration of the HHCA must be moved from the state's jurisdiction. It should become a Native Hawaiian Housing & Economic Development Authority to encompass the following:

- 1) Receive NAHASDA proceeds
- 2) Administer the objectives of the HHCA which includes agricultural issues
- 3) Pursue economic development initiatives for the entire Hawaiian community
- 4) Pursue and leverage additional funding sources (including OHA funds) to serve Hawaiians not addressed in the HHCA or the NAHASDA amendment.
- 5) Provide direct accountability and control by the Hawaiian people with direct oversight of the federal government.

Economic development is married to any progress made in providing adequate housing to our people. Serving all Hawaiians, regardless of blood quantum, is also tied to the success of serving those identified in the HHCA. You cannot serve and expect improvement in the condition of the 50%ers, while ignoring their offspring who may be less in blood quantum. Each impacts the other. The Native Hawaiian Housing & Economic Development Authority can be the coordinated agency, chartered by the Congress, to meet the needs of the entire Hawaiian community.

Ultimately, when a Native Hawaiian government is recognized by the United States, this new Authority should be moved under its purview. Within this environment, the Congress should remove any blood quantum requirements established in the HHCA and allow the Hawaiian people, through their own government, to determine blood quantum. This step would be in accordance with the current US policy on Native peoples and a tribe's right to determine its own membership.

The autonomy from state government, the direct control by Hawaiians and the interaction with the federal government will provide the foundation for housing and economic

development initiatives to truly serve our people. If you have tracked the impacts on state economies when Native self-governance has been supported, you will find an incredible flurry and stimulation within that state's economy, benefiting Native and non-Native alike. The irony is, the state of Hawaii needs Hawaiians to be self-governing and to be separate and apart from their government infrastructure as much as we need it to reverse the detriments to our people over the last century. As many other states in the union have discovered, Indigenous Sovereignty has resulted in economic prosperity that prior was described as the end of the world.

#### **Summary and Conclusion**

The heart of my comments are to point out the need to break from the state and to implement a government to government relationship with the Hawaiian people as the overriding solution to addressing Native Housing needs. These actions will have a much farther reach than just housing. All areas of the Hawaiian socio-economic well being will be impacted. Each are entwined in the other. As such, the recognition of a Native nation must include all other areas. The state agency Office of Hawaiian Affairs, the Health Care Systems, the Educational Funding, all must also come within the purview of the Native government.

I thank you for this opportunity and am confident that you will be touched by the many Hawaiians you will meet during your brief visit in December. I know you will find that we are a strong people, with great love and aloha for our culture. Together, we are braving the greatest challenge since the illegal overthrow of our government and annexation of our lands.

My hope is that you will come to know that we must be allowed to have the great debate, to banter about the awesome and varied opinions that our people have stored in their hearts for so many years. My hope is that you will see these discussions and variety of views and options for what they are, a people in motion, toward one goal, Hawaiian control of solutions for Hawaiians. That is the meaning of self-determination. Hawaiians are engaged, and I hope you will find the common chord in every voice you will hear, a call for Sovereignty. Mahalo nui loa.